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9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Statement of Issues Against:

Case No. **2008-90**

13 **AMBER RAE LIEBELT**
3754 Avocet Drive
14 Merced, California 95340

STATEMENT OF ISSUES

15 Respondent.
16

17 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the
20 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
21 Affairs.

22 2. On or about October 12, 2006, the Board received an Application for
23 Licensure by Endorsement from Amber Rae Liebelt ("Respondent"). On or about
24 October 12, 2006, Respondent certified under penalty of perjury to the truthfulness of all
25 statements, answers, and representations in the application. The Board denied the application on
26 or about December 11, 2006.

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1 contendere. Any action which a board is permitted to take following the
2 establishment of a conviction may be taken when the time for appeal has elapsed,
3 or the judgment of conviction has been affirmed on appeal, or when an order
4 granting probation is made suspending the imposition of sentence, irrespective of
5 a subsequent order under the provisions of Section 1203.4 of the Penal Code.

6 (2) Done any act involving dishonesty, fraud or deceit with the intent to
7 substantially benefit himself or another, or substantially injure another.

8 (3) Done any act which if done by a licentiate of the business or
9 profession in question, would be grounds for suspension or revocation of license.

10 **FIRST CAUSE FOR DENIAL OF APPLICATION**

11 **(Conviction of a Crime)**

12 9. Respondent's application is subject to denial under Code sections 2761(f),
13 and 480(a)(1), in that she was convicted of the following crimes that are substantially related to
14 the qualifications, functions or duties for which Respondent is applying:

15 a. On or about January 23, 2007, in the case of *State of South Dakota v.*
16 *Amber R. Liebelt*, (Seventh Judicial Circuit, Pennington County, 2006, Case No. 06-263532),
17 Respondent was convicted by the Court on her plea of guilty of violating SDCL 32-23-1(2)
18 (driving or controlling a vehicle while under the influence of alcohol and/or other substance); and
19 SDCL 32-23-1(1) (driving or controlling a vehicle while having .08 percent or more by weight of
20 alcohol in her blood).

21 b. On or about April 6, 2005, in the case of *State of South Dakota v. Amber*
22 *R. Liebelt*, (Seventh Judicial Circuit, Pennington County, 2005, Case No. 51C05000988A0),
23 Respondent was convicted by the Court on her plea of guilty of violating SDCL 32-12-17.5
24 (displaying another's non-driver identification).

25 c. On or about April 14, 2003, in the case of *State of South Dakota v. Amber*
26 *R. Liebelt*, (Seventh Judicial Circuit, Pennington County, 2003, Case No. 51399M0303789),
27 Respondent was convicted by the Court on her plea of guilty of violating SDCL 22-30A-17
28 (petty theft).

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1 **SECOND CAUSE FOR DENIAL OF APPLICATION**

2 **(Dishonesty, Fraud or Deceit)**

3 10. Respondent's application is subject to denial under Code section
4 480(a)(2), in that Respondent committed acts involving dishonesty, fraud or deceit with the
5 intent to substantially benefit herself, as more particularly set forth above in paragraph
6 9(b) and (c).

7 **THIRD CAUSE FOR DENIAL OF APPLICATION**

8 **(Committed Acts Which If Done By A Licentiate)**

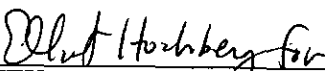
9 11. Respondent's application is subject to denial under Code section
10 480(a)(3), in that she committed acts which if done by a licentiate of the profession would
11 constitute grounds for discipline, as more particularly set forth above in paragraph 9(a). Such
12 conduct would constitute grounds for discipline under Code sections 2761(f) (conviction of a
13 crime substantially related to the qualifications, functions or duties of a license holder); 2762(b)
14 (convicted of a crime involving the consumption of alcohol); and 2762(c) (used alcoholic
15 beverages to an extent or in a manner dangerous or injurious to herself and the public).

16 **PRAYER**

17 **WHEREFORE**, Complainant requests that a hearing be held on the matters
18 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 19 1. Denying the application of Amber Rae Liebelt for a Registered Nurse
20 License; and,
21 2. Taking such other and further action as deemed necessary and proper.

22 DATED: 9/14/07

23 
24 RUTH ANN TERRY, M.P.H., R.N.
25 Executive Officer
26 Board of Registered Nursing
27 Department of Consumer Affairs
28 State of California
Complainant